



General Assembly

January Session, 2001

Amendment

LCO No. 8948

Offered by:

REP. STRATTON, 17th Dist.

REP. RACZKA, 100th Dist.

REP. BOUGHTON, 138th Dist.

To: Subst. House Bill No. 6199

File No. 743

Cal. No. 255

"AN ACT CONCERNING THE DISPOSAL OF COMPUTERS AND MONITORS."

1 Strike out everything after the enacting clause and substitute the
2 following in lieu thereof:

3 "Section 1. (NEW) As used in sections 1 to 11, inclusive, of this act:

4 (1) "Mercury" means elemental mercury and mercury compounds;

5 (2) "Mercury-added product" means a product, commodity,
6 chemical or component of a product that contains mercury that is
7 intentionally added to the product, commodity, chemical or
8 component for any reason. "Mercury-added product" includes, but is
9 not limited to, formulated mercury-added products and fabricated
10 mercury-added products. "Mercury-added product" does not include
11 any packaging component, as defined in subdivision (3) of section 22a-
12 255h of the general statutes;

13 (3) "Formulated mercury-added product" means a mercury-added
14 product that is sold as a consistent mixture of chemicals, including, but
15 not limited to, laboratory chemicals, materials used for cleaning,
16 maintenance or disinfection, cosmetics, pharmaceuticals, coating
17 materials, acids, alkalites, bleach or sodium hypochlorite,
18 pharmaceutical products, stains, reagents, preservatives, fixatives,
19 buffers and dyes;

20 (4) "Fabricated mercury-added product" means a mercury-added
21 product that consists of a combination of individual components that
22 combine to make a single unit, including, but not limited to, mercury-
23 added measuring devices, lamps and switches;

24 (5) "Mercury fever thermometer" means a mercury-added product
25 that is used for measuring body temperature, excluding a digital
26 thermometer that includes a button cell battery containing mercury;

27 (6) "Mercury-added novelty" means a mercury-added product
28 intended mainly for personal or household enjoyment or adornment,
29 including, but not limited to, products intended for use as practical
30 jokes, figurines, adornments, toys, games, cards, ornaments, yard
31 statutes and figures, candles, jewelry, holiday decorations or footwear
32 or other items of apparel. A product is not a "mercury-added novelty"
33 solely on the basis that it includes a removable button cell battery
34 containing mercury;

35 (7) "Manufacturer" means any person, that (A) produces a mercury-
36 added product, or (B) serves as an importer or domestic distributor of
37 a mercury-added product produced outside the United States. In the
38 case of a multi-component product, "manufacturer" means the last
39 manufacturer to produce or assemble the product, unless the multi-
40 component mercury-added product is produced outside the United
41 States, in which case "manufacturer" means the importer or domestic
42 distributor;

43 (8) "Person" means any individual, organization, partnership, joint
44 venture, association, firm, limited liability company, corporation or

45 other entity, and includes a municipality, the federal government, the
46 state or any instrumentality of the state, or other governmental entity
47 and any officer or governing or managing body of any partnership,
48 association, firm or corporation or any member or manager of a
49 limited liability company;

50 (9) "School" means a public school, as defined in section 10-183b of
51 the general statutes or a private elementary or secondary school,
52 attendance at which meets the requirements of section 10-184 of the
53 general statutes excluding state vocational schools;

54 (10) "Vehicle" means any device capable of being moved upon a
55 public highway and any device in, upon or by which any person or
56 property is or may be transported or drawn upon a public highway,
57 but does not include devices moved by human or animal power or
58 used exclusively upon stationary rails or tracks;

59 (11) "Scrap metal" means used or discarded items that consist
60 predominantly of ferrous metals, aluminum, brass, copper, lead,
61 chromium, tin, nickel or alloys;

62 (12) "Solid waste" means unwanted or discarded solid, liquid,
63 semisolid or contained gaseous material, including, but not limited to,
64 demolition debris, material burned or otherwise processed at a
65 resources recovery facility or incinerator, material processed at a
66 recycling facility and sludges or other residue from a water pollution
67 abatement facility, water supply treatment plant or air pollution
68 control facility;

69 (13) "Commissioner" means the Commissioner of Environmental
70 Protection;

71 (14) "Department" means the Department of Environmental
72 Protection;

73 (15) "Pollution abatement facility" means any equipment, plant,
74 treatment works, structure, machinery, apparatus or land or any

75 combination thereof, acquired, used, constructed or operated for the
76 storage, collection, reduction, recycling, reclamation, disposal,
77 separation or treatment of water or wastes, or for the final disposal of
78 residues resulting from the treatment of water or wastes, including,
79 but not limited to; pumping and ventilating stations, facilities, plants
80 and works; outfall sewers, interceptor sewers and collector sewers; and
81 other real or personal property and appurtenances incident to their use
82 or operation;

83 (16) "Subsurface sewage disposal system" means a system consisting
84 of a house or collection sewer, a septic tank followed by a leaching
85 system, any necessary pumps or siphons and any groundwater control
86 system on which the operation of the leaching system is dependent.

87 Sec. 2. (NEW) (a) On or after April 1, 2002, no mercury-added
88 product shall be introduced into commerce for sale or use or
89 distributed for promotional purposes in the state without prior
90 notification, in writing, by the manufacturer of the product or its
91 industry trade group to the commissioner in accordance with this
92 section. Such notification shall at a minimum include (1) a brief
93 description of the product or category of products to be introduced
94 into commerce for sale or use or distributed; (2) an identification of
95 each individual product by its mercury content in one of the following
96 ranges: Zero to five milligrams, greater than five milligrams to ten
97 milligrams, greater than ten milligrams to fifty milligrams, greater
98 than fifty milligrams to one hundred milligrams, greater than one
99 hundred milligrams to one thousand milligrams and greater than one
100 thousand milligrams; (3) an identification of the purpose for mercury
101 in each component of the product; (4) an identification of current
102 programs and new initiatives in the state that are focused on the
103 economically efficient recycling of such mercury-added products and
104 sources of and accessibility of data regarding collection programs and
105 the amount of mercury-added product collected and recovered by
106 such programs; and (5) the name and address of the manufacturer and
107 the name, address and phone number of a contact person at the
108 manufacturer. The manufacturer shall revise the information in the

109 notification whenever there is significant change in the information or
110 when requested by the commissioner.

111 (b) Any mercury-added product for which federal law governs
112 notice in a manner that preempts state authority shall be exempt from
113 the requirements of this section.

114 (c) The manufacturer shall update and revise the information in the
115 notification whenever there is a significant increase or decrease in the
116 mercury of an individual product or product category, or when
117 requested by the department.

118 (d) Medical products not intended for use by a nonmedical
119 institution or nonmedical personnel shall not be subject to subsection
120 (a) of this section, provided that on or before January 1, 2002, the
121 Commissions of Environmental Protection and Public Health convene
122 an advisory group consisting of, but not limited to, representatives of
123 hospitals and other health care institutions and physicians to develop
124 an inventory of instruments, laboratory chemicals, or other medical
125 products that contain mercury. Such inventory shall be completed on
126 or before January 1, 2003.

127 (e) The provisions of chapter 14 of the general statutes shall govern
128 public disclosure of business information submitted to the department
129 pursuant to this section.

130 (f) No later than October 1, 2002, all component and formulated
131 mercury-added product manufacturers must provide the total amount
132 of mercury contained in each category of mercury-added products
133 sold in the United States during the previous calendar year.
134 Information required pursuant to this section may be provided by
135 either an individual manufacturer or aggregated for an industry by a
136 trade group. The manufacturer or trade group shall report the updated
137 information required no later than April 1, 2005, from the effective date
138 of this act, and every three years thereafter.

139 (g) A composite product manufacturer is not required to provide

140 mercury content information on its mercury-added component,
141 provided the component manufacturer has provided the information
142 to the commissioner, and further provided the composite product
143 manufacturer notifies the commissioner of the specific components
144 used in the composite product, and identifies the manufacturer of the
145 components.

146 Sec. 3. (NEW) (a) On and after July 1, 2002, no person shall
147 introduce into commerce or offer for use by any means, including e-
148 commerce, or distribute for promotional purposes in the state any
149 mercury-added novelty. A manufacturer that produces or sells
150 mercury-added novelties shall notify retailers that sell mercury-added
151 novelties about such product ban and inform such retailers of how to
152 dispose of the remaining inventory in accordance with chapter 445 of
153 the general statutes.

154 (b) On and after January 1, 2002, no person shall offer for sale or use
155 by any means, including e-commerce, or distribute for promotional
156 purposes mercury fever thermometers except by prescription written
157 by a physician. A manufacturer of mercury fever thermometers shall
158 provide the buyer or the recipient with notice of mercury content,
159 instructions on proper disposal, instructions that clearly describe how
160 to carefully handle the thermometer to avoid breakage and
161 instructions on proper cleanup should a breakage occur.

162 (c) On and after July 1, 2002, no school shall use or purchase for use
163 or maintain inventories of bulk elemental mercury or mercury
164 compounds. A manufacturer that produces, sells or distributes such
165 materials shall notify schools about the provisions of this subsection in
166 accordance with chapter 445 of the general statutes and instruct
167 schools how to dispose of the remaining inventory properly. This
168 subsection does not apply to mercury-added products other than bulk
169 elemental mercury compounds. The Commissioner of Environmental
170 Protection, in consultation with the Commissioner of Education, shall
171 examine the feasibility of implementing a program for the collection of
172 bulk elemental mercury or mercury compounds at schools, and shall

173 implement such a program within available appropriations.

174 (d) The provisions of this section shall not apply to a vocational
175 dental education or training school, except that on and after July 1,
176 2002, no vocational dental education or training school shall use
177 mercury amalgam unless such school has developed and implemented
178 a plan approved by the commissioner that assures best management
179 practices are used to prevent discharge of mercury into the waters of
180 the state, any pollution abatement facility or subsurface sewage
181 disposal system, and to properly handle and recycle or dispose of
182 waste elemental mercury and amalgam. Such plan shall provide for an
183 education program for students regarding the hazards of mercury and
184 best management practices.

185 (e) On and after July 1, 2002, no person shall offer for sale or use by
186 any means, including e-commerce, or distribute for promotional
187 purposes mercury dairy manometers. A manufacturer that produce or
188 sell mercury dairy manometers shall notify retailers about the
189 provisions of this subsection and how to dispose of the remaining
190 inventory properly in accordance with chapter 445 of the general
191 statutes. The Commissioner of Environmental Protection, in
192 consultation with the Commissioner of Agriculture, shall examine the
193 feasibility of implementing a collection and replacement program for
194 dairy manometers, and shall implement such a program within
195 available appropriations.

196 Sec. 4. (NEW) (a) On and after July 1, 2003, no person shall
197 introduce into commerce for sale or use by any means, including e-
198 commerce, or distribute for promotional purposes any mercury-added
199 product unless the product, its packaging or its accompanying care
200 and use manual are labeled in accordance with this section, any
201 regulations adopted pursuant to this section or the terms of any
202 approved alternative labeling or notification granted under subsection
203 (g) of this section. A retailer shall not be found in violation of this
204 subsection if the retailer lacked knowledge that the product contained
205 mercury.

206 (b) If a mercury-added product is a component of another product,
207 either the product containing the component or the component shall be
208 labeled as provided in this section. The product labeling shall identify
209 the component with sufficient detail so that the product or the
210 mercury-containing component may be readily located for removal or
211 recycling.

212 (c) All product labeling shall be a size that is readable and shall
213 inform the purchaser, using words or symbols, that mercury or
214 hazardous material is present in the product and that the product shall
215 be disposed of properly or recycled.

216 (d) Any labels affixed to the product shall be constructed of
217 materials that are sufficiently durable to remain legible for the useful
218 life of the product.

219 (e) The manufacturer of a product shall be responsible for the
220 product labeling required under this section, unless the wholesaler or
221 retailer agrees in writing to accept the responsibility of implementing
222 an alternative to the labeling requirements of this section approved
223 under subsection (g) of this section.

224 (f) (1) In the case of vehicles, (A) manufacturers shall meet the
225 product labeling requirements of this section for vehicles by placing a
226 label on the door of the vehicles that lists the mercury-added
227 components that may be present in the vehicle, and (B) manufacturers
228 need not label the mercury-added components of the vehicle; (2)
229 manufacturers of button cell batteries, lamps and products whose only
230 mercury containing component is a button cell battery or a mercury-
231 added lamp shall be exempt from this section; (3) manufacturers of
232 nonprescription drug products that are regulated by the federal Food
233 and Drug Administration shall be exempt from this section; and (4)
234 manufacturers of dental amalgam shall follow the best management
235 practices guidelines for manufacturers developed by the commissioner
236 pursuant to section 10 of this act; and (5) medical equipment not
237 intended for use by nonmedical personnel are exempt from this

238 section.

239 (g) (1) A manufacturer may apply to the Commissioner of
240 Environmental Protection for an alternative to the requirements of
241 subsections (a) to (f), inclusive, of this section if: (A) Compliance with
242 the requirements is not feasible, or (B) the proposed alternative would
243 be at least as effective in providing presale notification of mercury
244 content and in providing instructions on proper disposal.

245 (2) Applications for an alternative to the requirements of
246 subsections (a) to (f), inclusive, of this section shall: (A) Document the
247 justification for the requested alternative; (B) describe how the
248 alternative ensures that purchasers or recipients of mercury-added
249 products are made aware of mercury content prior to purchase or
250 receipt; (C) describe how a person discarding the product will be made
251 aware of the need for proper handling to ensure that it does not
252 become solid waste or is not discharged to the waters of the state or is
253 not disposed in a pollution abatement facility or subsurface sewage
254 disposal system; (D) document the capability of all parties necessary to
255 implement the proposed alternative; and (E) describe the performance
256 measures to be utilized by the manufacturer to demonstrate that the
257 alternative is providing effective presale notification and predisposal
258 notification.

259 (3) The commissioner may approve, deny, modify or condition a
260 request for an alternative to the requirements of subsections (a) to (f),
261 inclusive, of this section. An approval shall be for a period of no more
262 than two years and may, upon continued eligibility under the criteria
263 of this section and compliance with the conditions of its prior
264 approval, be renewed. Requests for renewals shall be submitted ninety
265 days before the expiration of the approval.

266 (4) Notwithstanding the provisions of this section, a person who
267 sells mercury-added lamps to the owner or operator of an industrial,
268 commercial or office building or to any person who replaces or
269 removes from service outdoor lamps that contain mercury shall clearly

270 inform the purchaser, in writing, on the invoice for the lamps or in a
271 separate document that such lamps contain mercury, a hazardous
272 substance that is regulated by federal and state law, and that such
273 lamps may not be disposed of as solid waste. Retail establishments that
274 incidentally sell mercury-added lamps to purchasers are exempt from
275 the requirements of this subsection. A person who contracts with the
276 owner or operator of an industrial, commercial or office building or
277 with a person responsible for outdoor lighting to remove from service
278 mercury-added lamps shall clearly inform, in writing, the person for
279 whom the work is being done that the lamps being removed from
280 service contain mercury and explain what the contractor's
281 arrangements are for the management of the mercury in the removed
282 lamps.

283 (5) In carrying out the requirements of this act, the department shall
284 strive for consistency with labeling programs in other states.

285 (6) Notwithstanding the provisions of this section, the manufacturer
286 of a mercury-added product may meet the requirements of this section
287 by demonstrating compliance with the requirements for the labeling of
288 mercury-added products, including labeling approved by another
289 state.

290 Sec. 5. (NEW) (a) On and after July 1, 2003, or one year after a
291 universal waste rule in accordance with the Resource Conservation
292 and Recovery Act of 1976, 42 USC 6901 et seq., as amended, no person
293 shall knowingly (1) dispose of a mercury-added product or a mercury-
294 added component in a manner other than by recycling or disposal in
295 accordance with the provisions of chapter 446d or 446k of the general
296 statutes or Subtitle C of the Resource Conservation and Recovery Act
297 of 1976, 42 USC 6901 et seq., as amended, or (2) discharge mercury to
298 the waters of the state, a pollution abatement facility or subsurface
299 sewage disposal system, unless such discharge is in compliance with
300 all local, state and federal applicable requirements.

301 (b) Each permittee of a solid waste facility shall (1) post signs at the

302 facility providing notice of the prohibition of the disposal and
303 incineration of mercury-added products, including a list of the most
304 common product types; (2) provide written notification either in
305 contractual agreements or to the municipalities serviced by the facility
306 on a frequency determined by the commissioner of the prohibition on
307 the disposal and incineration of mercury-added products; and (3)
308 report to the commissioner annually on the progress in eliminating
309 such products from the waste stream. A solid waste facility shall not be
310 considered in violation of this act if it unknowingly receives a
311 mercury-added product or mercury-added component.

312 (c) A formulated mercury-added product that is a cosmetic or
313 pharmaceutical product subject to the requirements imposed by the
314 federal Food and Drug Administration is exempt from the provisions
315 of this section.

316 (d) This section shall not apply to any person who has disposed of a
317 button cell battery or any other products designated by the
318 commissioner.

319 Sec. 6. (NEW) (a) The commissioner shall review the state
320 regulatory requirements pursuant to chapter 446d or 446k of the
321 general statutes governing handling of waste from mercury-added
322 products and, if necessary, shall amend regulations as appropriate to
323 facilitate collection.

324 (b) Formulated mercury-added products intended to be totally
325 consumed in use, including, but not limited to, reagents, cosmetics,
326 pharmaceuticals and other laboratory chemicals, are exempt from the
327 provisions of this section.

328 Sec. 7. (NEW) (a) On and after July 1, 2002, a manufacturer of
329 formulated mercury-added products that are offered for sale or use by
330 any means, including e-commerce, or distributed to a health care
331 facility for promotional purposes shall provide the recipient health
332 care facility a certificate of analysis documenting the range of mercury
333 content of the product. Sampling and analytical techniques used in the

334 analysis shall be capable of detecting mercury to limits of one part per
335 billion or less.

336 (b) The manufacturer shall develop and implement a plan to assure
337 that the certificate of analysis accurately represents the mercury in a
338 formulated mercury-added product. Such plan shall, at a minimum,
339 include an annual analysis of the formulated product.

340 (c) The manufacturer, upon request of the commissioner, shall
341 provide to the commissioner copies of certificates of analysis for the
342 purposes of assessing compliance with this section.

343 Sec. 8. (NEW) No person shall introduce into commerce for sale or
344 use by any means, including e-commerce, or distribute for
345 promotional purposes or provide elemental mercury except for
346 manufacturing, recycling or disposal services without providing a
347 Material Safety Data Sheet, as defined in 42 USC 11049. On and after
348 July 1, 2002, the seller, distributor or provider shall require the
349 purchaser or recipient at the time of receipt of any elemental mercury
350 to sign a statement that the purchaser or recipient (1) will use the
351 mercury only for medical, dental amalgam dispose-caps, research or
352 manufacturing purposes; (2) understands that mercury is toxic and
353 that the purchaser will store and use it appropriately so that no person
354 is exposed to the mercury; and (3) will not place or allow anyone
355 under the control of the purchaser or recipient to cause the mercury to
356 become solid waste or be discharged into waters of the state or be
357 disposed of in a pollution abatement facility or subsurface sewage
358 disposal system.

359 Sec. 9. (NEW) Mercury-added products with a code or date of
360 manufacture indicating they were manufactured prior to October 1,
361 2001, or mercury-added products for which the manufacturer provides
362 documentation that the product was manufactured prior to October 1,
363 2001, are exempt from sections 4 and 8 of this act.

364 Sec. 10. (NEW) (a) The commissioner, in consultation with other
365 state agencies, may implement a comprehensive program for public

366 education, outreach and assistance for manufacturers, households,
367 waste generators, local and regional solid waste management agencies,
368 businesses, health care facilities, scrap metal processors, recyclers,
369 dismantlers, institutions, schools and other interested groups. This
370 public education, outreach and assistance program may focus on the
371 hazards of mercury; the requirements and obligations of individuals,
372 manufacturers and agencies under this act and voluntary efforts that
373 individuals, institutions and businesses can undertake to help further
374 reduce mercury in the environment. The commissioner, in conjunction
375 with manufacturers of mercury-added products and other affected
376 businesses, may promote the development and implementation of
377 such public education and technical assistance programs.

378 (b) The commissioner may cooperate with other states and
379 provinces and regional organizations in developing public education,
380 outreach and assistance programs.

381 (c) The commissioner shall prepare and publish guidelines for best
382 management practices for dental offices and laboratories. Such
383 guidelines shall not be considered "regulations" as defined in section 4-
384 166 of the general statutes.

385 Sec. 11. (NEW) (a) No later than July 1, 2002, the Department of
386 Administrative Services shall revise its policies, rules and procedures
387 to give priority and preference to the purchase of equipment, supplies
388 and other products that contain no intentionally added mercury
389 compounds or components, unless such product is determined to be
390 more environmentally beneficial when evaluated based on the cost of
391 its life. Such comparison shall evaluate overall environmental impacts
392 as well as whether the nonmercury-added product performs a similar
393 function or produces a product of comparable quality at a reasonable
394 price. In circumstances where a product other than a mercury-added
395 product is not available, preference shall be given to the purchase of
396 products that contain the least amount of mercury added to the
397 product necessary for the required or environmentally preferable
398 performance.

399 (b) The Commissioner of Administrative Services may give a price
400 preference of up to ten per cent for products that contain no mercury
401 or less mercury that are determined to be environmentally preferable
402 pursuant to subsection (a) of this section for all state purchases,
403 including purchases made by other state agencies with state funds.
404 Energy efficient lamps for lighting purposes shall be purchased in
405 preference to other less efficient lighting options. To the maximum
406 extent possible, purchases shall contain the lowest total mercury
407 content per lumen hour available. The state shall take action to assure
408 that spent lamps are recycled.

409 (c) The Commissioner of Administrative Services shall specify
410 products other than mercury-added products or reduced mercury-
411 added products, as applicable, in procurement bid documents.

412 Sec. 12. Subdivision (4) of section 7-536 of the general statutes is
413 repealed and the following is substituted in lieu thereof:

414 (4) "Local capital improvement project" means a municipal capital
415 expenditure project for any of the following purposes: (A) Road
416 construction, renovation, repair or resurfacing, (B) sidewalk and
417 pavement improvements, (C) construction, renovation, enlargement or
418 repair of sewage treatment plants and sanitary or storm, water or
419 sewer lines, including separation of lines, (D) public building
420 construction other than schools, including renovation, repair, code
421 compliance, energy conservation and fire safety projects, (E)
422 construction, renovation, enlargement or repair of dams, bridges and
423 flood control projects, (F) construction, renovation, enlargement or
424 repair of water treatment or filtration plants and water mains, (G)
425 construction, renovation or enlargement of solid waste facilities, (H)
426 improvements to public parks, (I) the preparation and revision of local
427 capital improvement plans projected for a period of not less than five
428 years and so prepared as to show the general description, need and
429 estimated cost of each individual capital improvement, (J)
430 improvements to emergency communications systems, (K) public
431 housing projects, including renovations and improvements and energy

432 conservation and the development of additional housing, (L)
433 renovations to or construction of veterans' memorial monuments, (M)
434 improvements to information technology systems to manage the
435 century date change effect, as defined in section 4d-16, (N) thermal
436 imaging systems, [and] (O) bulky waste and landfill projects, and (P)
437 the disposal of bulk elemental mercury or mercury compounds in
438 schools pursuant to section 3 of this act. "Local capital improvement
439 project" means only capital expenditures and includes repairs incident
440 to reconstruction and renovation but does not include ordinary repairs
441 and maintenance of an ongoing nature."